IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CIVIL APPLICATION NO. 1187 OF 2006.
IN
WRIT PETITION NO. 2643 OF 2006.

Maniben P.Shah & ors. ... Petitioners.
V/s.
Radhyesham R. Tripathi & ors. ... Respondents.

Shri Divesh Chamboowala for the petitioners.

Respondent No.1 is present in person.

CORAM : V.C.DAGA, J.

DATED : 20.9.2006.

P.C. :

. Heard learned Counsel for the petitioners.

Perused petition.

2. This petition is directed against the interim order dated 20.1.2006 passed by the Small Causes Court, Bombay, directing payment of use and/or occupation charges or compensation; as the case may be; @ Rs.1,000/- p.m. from 1.1.1987 to 31.12.2005 within three months from the date of the order with further direction to continue to deposit the compensation or occupation charges @ of Rs.1,000/- p.m. from January 2000 till the disposal of the appeal.

3. Needless to mention that the premises in question is a commercial premises. The tenant has not been paying rent or compensation for use and

occupation right from 1.1.1987. In this view of the matter, no fault can be found with the view taken. No interference with the impugned order is called for at this stage.

4. Needless to mention that payment of rent/compensation shall be subject to the adjustment against the mesne profits as and when the same shall be determined.

. Petition accordingly stands dismissed with no order as to costs.

. In view of the dismissal of the petition, no order on civil application is necessary.

. Petitioner is granted three months time to pay all the arrears of rent with direction to continue to pay compensation at the rate of Rs.1,000/- p.m. on or before 10th of each succeeding month without any default. In default, it will be open for the respondent to move under Order 39 Rule 11 of the Code of Civil Procedure for appropriate orders.

(V.C.DAGA,J.)